

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **July 12, 2005**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amendment to the City Code Regarding Cemetery Operations

RECOMMENDATION: Amend Sections 28-18 and 28-19 of the City Code to reflect the current practices regarding operations at the City Cemetery.

SUMMARY: The City has a contract with the Southern Memorial Association (SMA) that establishes a partnership for the operation and maintenance of the City Cemetery. Recently, the contract was revised to reflect current practices. During the review process it was noted that the City Code is not reflective of those practices. There is no Superintendent of Parks and Recreation and the Director of that department has no responsibilities for the cemetery. Instead, the Director of the Buildings and Grounds Division of Public Works has coordinated with the SMA under the terms of the contract. Furthermore, the cemetery is being used for more than just the burial of paupers and indigents. The cemetery is a major tourist destination, has a number of activities throughout the year, has a scatter garden for cremains, and a chapel with columbarium is currently under construction. While these activities are appropriate for the cemetery, they are inconsistent with a strict reading of the City Code. The SMA, in collaboration with City staff has prepared an operating manual for the cemetery and it has been approved by the City Manager. The proposed amendment to the City Code would reflect current practices and provide the flexibility for change in the future.

PRIOR ACTION(S): July 1, 2000 first agreement signed with the SMA for cemetery operations. The agreement has been extended through 2010.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne

ATTACHMENT(S): Proposed Code Amendment

REVIEWED BY: lkp

## ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 28-18. USE RESTRICTED, AND 28-19. DUTIES OF SUPERINTENDENT, OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE OPERATION OF THE CITY CEMETRY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 28-18 and 28-19 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

### **Sec. 28-18. Use restricted.**

The city cemetery shall be used ~~only for the burial of paupers and indigents~~ in a manner approved by city council.

### **Sec. 28-19. Duties of superintendent city manager.**

~~The superintendent of parks and recreation~~ city manager shall have charge of the city cemetery and all property of the city in and about the same. ~~He may delegate such authority to another city employee and/or enter into a contract with a third party for cemetery management shall keep a book in which he shall record the names of all persons buried therein, their color, sex age and residence, the disease of which they died and the date of their burial.~~ The city manager shall establish rules and regulations regarding the operation and use of the cemetery.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

096L